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Inside this Issue

- 1** THE FAMILY LAW FACILITATOR PROGRAM
- 3** ADOPTION SATURDAY.
- 4** THE COURT IMPROVEMENT PROJECT
- 6** UNIFIED FAMILY COURTS
- 7** DOMESTIC VIOLENCE IN THE COURTS
- 8** THE COURT APPOINTED SPECIAL ADVOCATE PROGRAM
- 9** THE JUDICIAL REVIEW AND TECHNICAL ASSISTANCE PROJECT
- 12** DETENTION FURLOUGH PROGRAM OF SAN BERNARDINO CO.
- 13** FAMILY AND JUVENILE LAW COMMITTEE AND CENTER ROSTERS

Welcome to the first issue of *The Center for Children and the Courts Newsletter*,

formally known as *Children and Families Before the Court*. This publication focuses on issues related to court

proceedings involving children and families. In this issue, we have articles submitted by many

juvenile and family court participants, including judicial officers, family and juvenile law practitioners, and individuals involved in the California Court Appointed Special Advocate Program, to name a few. In addition, the newsletter will introduce you to the newly created Center for Children and the Courts (Center), established in response to the *California Court Improvement Project Report* (April 1997) which was produced by the National Center for State Courts. The mission of the Center is to maximize the effectiveness of court services for children and

families, implement innovative court-related programs for recipients of juvenile and family court services, and promote those services in the legal community and to the public. The Center works under the guidance and direction of the Judicial Council and the Family and Juvenile Law Advisory Committee and, by publishing this newsletter, will now provide and disseminate information about current news, events, case law and legislation related to children and families in California. On behalf of the Center for Children and the Courts, the Judicial



Council, and the Juvenile and Family Law Advisory Committee, we welcome you and we hope you find our newsletter stimulating and informative.

THE FAMILY LAW FACILITATOR PROGRAM

By:

Bonnie Hough
Staff Attorney, Center for Children and the Courts

The Center for Children and the Courts staff has just completed its third training session this year for the Family Law Facilitators, the newest members of the court family, in a program established by the Legislature in Assembly Bill 1058 and administered through the Judicial Council.

The Family Law Facilitators are experienced family law attorneys who are stationed in each county to assist

Special Edition

Look for our special edition of *The Center for Children and the Courts Newsletter* in January 1999. This edition will provide recent summaries on cases affecting children and families as well as state and federal legislative updates.

litigants with their child support problems. In less than a year of operation, Family Law Facilitators have already served tens of thousands of



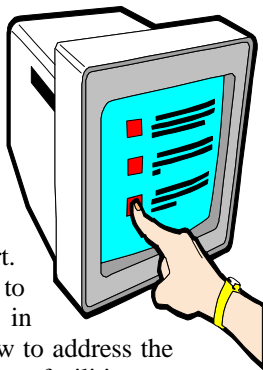
people by preparing necessary court papers, calculating child support and explaining the court system.

Nearly half of all case filings in many California counties involve family law matters. Up to 75 percent of those litigants arrive in court without lawyers. Judges report that the facilitator's office has helped litigants switch their focus from personal to legal disagreements, so that they are ready to either mediate their disputes or resolve them in court. The facilitator work not only speeds the process, but also helps the parents feel that their needs have been heard by the legal system. By ensuring that forms are filled out properly, the facilitator's office has significantly reduced the number of repeat appearances in many courts.

Each facilitator and county have developed their own approach. Facilitators may arrange one-on-one appointments with pro pers, open their offices to drop-ins, establish telephone consultation hours, or take referrals from judicial officers. Several counties have supplemented state funds to open family law self-help centers.

In its first month of operation, the Los Angeles facilitator's office served more than 1,000 parents. In the second month it assisted 1,700 parents, and in the third month, more than 3,000 parents. "We have opened three branches so far, and plan to be in 13 courthouses by the end of the year," reports Julie Paik, the facilitator for Los Angeles. The Los Angeles office will serve this huge number of parents with the assistance of 19 paralegals and 2 attorneys.

In San Diego, the facilitator's office has prepared a videotape in English and Spanish for parents to watch in the waiting room; it explains how to present themselves most effectively in court. The tape shows where to stand, how to check in with the court clerk, how to address the court, and where child care facilities are located. Additional videotapes being prepared instruct parents in filling out necessary forms to obtain their child



support, going line by line through the forms. These videotapes will be available for viewing individually basis so that a parent can replay and review segments that are of particular concern. Facilitator Frances Harrison hopes that the video will help her assist even more parents than the 1,200 she and her staff are currently helping each month.

In Modesto, facilitator Suzanne Whitlock is in court each morning. Her court has set up a special calendar for parents who file for child support and are not represented by attorneys. She provides information on child support guidelines, runs support calculations, and helps the parties come to agreement. Even if they cannot agree, they are much better informed about how to explain their views to the judge who makes the decision regarding child support. After court, the facilitator returns to her office where she and her staff assist another 750 parents per month.

The Family Law Facilitator program has allowed small, rural county courts to assist people in ways that were impossible just last year. In the Sierra foothill counties of Tuolumne and Calaveras, facilitator Julie Rowe offers workshops and individual appointments. In a county where no legal aid is available, Julie is often the last hope for parents having difficulties with the system.

In Yuba City, facilitator Nancy Southwork spends Friday nights presenting workshops on child support at a local community center. The turnouts averaging 25 people per class, demonstrate that the workshops are filling a great need, in addition to the help parents get one-on-one during the day.

The San Mateo County facilitator's office has developed a voicemail system that answers many parents' basic questions 24 hours a day; the facilitator's office sees 800 parents per month who need additional help.



Christine Copeland, Family Law Facilitator for San Benito and Santa Cruz Counties, has developed approximately 20 informational handouts, including brochures on

child support, spousal support, health insurance, and paternity. Other brochures walk pro pers through the process of filing "initiating" and "responsive" papers. "I am always developing new handouts and editing existing handouts to make them more accessible to pro pers," she reports.

Many facilitators like Cheryl Lebow of Contra Costa County, who practiced family law for 10 years, make mediation and settlement, rather than confrontation, a primary goal. Mediation "decreases the blow-ups and the negative comments, and the need for additional court contacts and restraining orders."

Serving Sierra and Nevada Counties, facilitator Gretchen Serrata also emphasizes alternative dispute resolution and mediation. Parties in child support cases "so often think of that as an odd idea, because they're not talking to the other side," Serrata says. "But they often leave the court more amicable than when they came in." Serrata drives between 920 and 1,322 miles a month to serve the population centers in the two counties. She has the help of an administrative assistant 20 hours per week and works closely with the Child Support Commissioner. "It's been very rewarding. People often ask where this project was 10 or 15 years ago."

Deborah Chase and Tom Surh share the facilitator's position in Alameda County. The two currently spend most mornings shuttling between courtrooms in Oakland and Hayward, assisting pro pers on the spot and preparing orders after the hearings. With the assistance of seven interns from Bay Area law

schools, they offer six workshops each week and serve more than 600 persons per month.

Among the many other creative projects being conducted by facilitators are the Web site launched by Santa Clara County and the talks at local high schools by the Amador County facilitator. San Francisco County has translated its informational materials into Spanish, Vietnamese, Chinese, and Russian. Napa County makes presentations at the local jail on parenting and child support. Butte County offers workshops at the county library.

Bonnie Hough is an attorney with the Center for Children and the Courts. For further information about the program, please contact George Nielsen at 415-356-6614, Lee Morhar at 415-356-6659 or Bonnie Hough at 415-904-5959.

ADOPTION SATURDAY

By:
Honorable Michael Nash
Presiding Judge
Los Angeles County Juvenile Court

Saturday, April 25, 1998, was a day of celebration for 130 families in Los Angeles County. On that day, the Edmund D. Edelman Children's Court opened its doors to hold adoption completion hearings for 130 children who had initially entered the child protection system as victims of child abuse and/or neglect. The adoptions had been processed as part of a unique collaboration between the Juvenile Court, the Department of Children and Family Services (DCFS), and the volunteer legal community—all of whom joined together to expedite adoption hearings for children who had



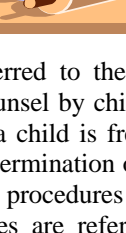
previously been freed for adoption because of their parents' abuse and/or neglect.

Adoption Saturday was the most visible part of a project that began last year to process, in a more expeditious manner, the adoptions of children freed in the dependency system. The catalysts for the legal community are the Alliance for Children's Rights and Public Counsel, two organizations well known in Los Angeles County for their legal advocacy on behalf of needy children. Both organizations utilize their own staff and volunteer attorneys from the legal community to represent prospective adoptive parents in the adoption process. Many of the attorneys come from the largest and most prestigious law firms in Los Angeles. The large and well-known firm of Gibson Dunn and Crutcher has led the way in committing its resources for this worthy pro bono effort.

Before the project began, adoption completion hearings typically took well over a year after parental rights were terminated and a child was freed for adoption. In 1996 and 1997, only 914 and 1,062 adoptions of children freed by the Dependency Court were completed in Los Angeles County. Through May 31, 1998, 596 adoptions have been completed and the numbers are expected to exceed 1,600 by the end of the year. The lengthy process of adoption has prevented many children from quickly obtaining that which every child is entitled to have—a healthy, loving, safe, and permanent home.

The main reason for the slow pace of adoption completion can rightfully be characterized as institutional neglect. Because so much effort was expended in the legal process to free a child for adoption, everybody in the system

simply assumed that the adoption would quickly occur. Nobody seemed to recognize that the adoptions could not happen without giving them priority status, and at the same time, devoting sufficient resources worthy of that status. In recognition of this problem, the Juvenile Court and DCFS met with representatives from the Alliance for Children's Rights and Public Counsel, who volunteered their help to help expedite the stalled adoptions.

The illustration shows a blue bowl filled with yellow food, possibly pasta or rice, with green leafy vegetables on top. A hand is visible at the top, stirring the food. Next to the bowl is a wooden rolling pin with a dark handle, resting on a light brown surface.

The result of this congregation of organizations is a procedure where cases can be referred to the Alliance and to Public Counsel by children's attorneys as soon as a child is freed for adoption by way of termination of parental rights. Under the procedures created, even-numbered cases are referred to the Alliance and odd-numbered cases are referred to Public Counsel. At the inception of the program, attorneys were encouraged to refer all cases with children pending adoption regardless of when they were freed. After evaluating the case information, representatives from each of the organizations either refer the matter directly to a volunteer attorney or contact the prospective adoptive parent before the specific volunteer attorney is contacted. Either way, the prospective adoptive parent is informed that the organization is offering to provide them with an attorney, free of charge, to help them process the adoption. If the prospective parent wants the help, they are asked to sign a retainer form with the attorney. Once that is accomplished, the attorney begins the process of accumulating the paperwork and obtaining the signatures necessary to complete the adoption. Ultimately, the volunteer attorney will appear with the family in court on the day of adoption finalization.

The benefits of this program are obvious. Children and families are receiving immediate attention in the

completion of their adoptions so they can move on with their lives. Many attorneys in the legal community are being given the opportunity to donate their time and energy to a joyful cause for children. The court and DCFS are able to more expeditiously complete a process that lowers their caseloads. Last but not least, the community's confidence level toward the court, the child welfare system, and the legal community grows with the knowledge that so many people are positively impacted by these efforts.

Although the adoption hearings can be completed during the normal workweek, in many cases the Saturday hearings make it more convenient for attorneys who are tied up with other legal business during the week. Besides, it's hard to think of a happier way to spend a Saturday.

Judge Michael Nash has been a juvenile court judge since 1990 and is currently the Presiding Judge of the Juvenile Court in Los Angeles County. He is also a member of the Juvenile and Family Law Advisory Committee to the Judicial Council.

Editor's Note: *The Los Angeles County Juvenile Court will hold its second Adoptions Saturday at the Edmund D. Edelman Children's Court on December 12, 1998.*



THE COURT IMPROVEMENT PROJECT

By:
Christopher Wu
Staff Attorney, Center for Children
and the Courts

The Court Improvement Project (CIP) is a federally funded multiyear effort to improve the handling of juvenile dependency cases in California. The funding is through the U.S. Department of Health and Human Services. The first, or assessment, phase of the project took two years and resulted in the CIP Assessment Report issued last year. The report is described in detail in the premier issue of *Children and Families Before the Court* (July 1996). The full report and an executive summary are available through the Center for Children and the Courts (415-396-9284) or on our Web site (www.courtinfo.ca.gov/childrenandthecourts).

The report made 27 specific recommendations for improving California's juvenile dependency courts. The Judicial Council accepted the report and approved an implementation plan developed by its Family and Juvenile Law Advisory Committee. In December 1997, at the ninth Beyond the Bench conference in San Francisco, judge-led teams from each county were invited to hear multidisciplinary experts from around the country and begin to develop local action plans for improving juvenile dependency proceedings in their courts. The new Center for Children and the Courts also made its debut at the conference. Congress recently approved an extension of funding for implementing court improvement plans in the states. The project is now funded through Spring 2003.

The Court Improvement Technology Initiative

Juvenile dependency courts are often isolated from other court facilities and the last to receive attention when it comes to new equipment or technology.

A primary goal of the CIP is to enable juvenile dependency courts to communicate with the center, with each other, and with the rest of the world through the Internet. Toward that end, the center has implemented the Court Improvement Technology Initiative.



As part of the initiative, the center has sent to each of the 58 juvenile dependency courts in California two computer stations, including printers and modems. The courts are especially encouraged to utilize the computers so that judicial officers—hearing dependency cases, and other personnel if the court chooses—can access the Internet and electronic mail. We hope that in the near future juvenile courts can easily communicate electronically with the center and with each other.

The center's new Web site has been up and running since April 1998. The site presents information about the center's activities, provides other services to those participating in court matters involving children and families, and through the "related sites" page, serves as a launching pad to a vast array of other relevant web sites. One of the popular features of the center's site is summaries of recent juvenile law cases (going back to mid-1996). The case summaries—in dependency, delinquency, and "other" children's law—are updated frequently. There are also sections for recent center news, order forms for resources available from the center, and soon, online registration for trainings and conferences.

Grants to Local Courts

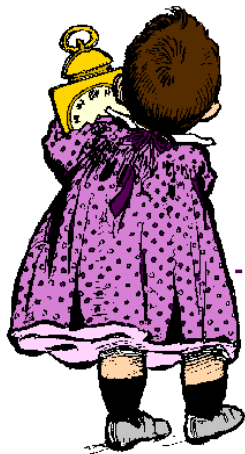
In order to facilitate court improvement on the local level, the center is making funds available to support court improvement projects sponsored by local courts. Only superior or consolidated courts could apply for the grants. A total of \$750,000 was available for the grant period; the

following counties have been approved for court improvement funding:

Superior Court of California, Riverside County--\$68,748.00; Superior Court of California, County of Fresno--\$85,000.00; Superior Court of California, County of Sonoma--\$73,267.00; Los Angeles Superior Court, Juvenile Division--\$85,000.00; San Diego County Superior Court--\$85,000.00; Superior Court of California, County of San Mateo--\$75,287.00; Superior Court of California, County of Alameda--\$75,000.00; Superior Court of California, County of Placer--\$75,000.00; Superior Court of California, County of Siskiyou--\$75,000.00; Kern County Superior Court--\$52,698.00. Smaller "mini-grants" of up to \$5,000 will soon be made available to local courts. The mini-grants will feature a streamlined application process with applications that can be submitted online.

Child Advocacy Training (CAT) Project

For the past two years, the CAT Project has presented high-quality training programs on juvenile and family law issues statewide. Originally funded by the state Office of Criminal Justice Planning (OCJP), the CAT Project continues as part of the Court Improvement Project. The CAT Project recently wound up a series of one-day regional programs entitled "The Fundamentals of Dependency Law." Upcoming training programs, in conjunction with the Northern California Association of Counsel for Children, include a session on the relationship between trial and appellate counsel in dependency cases" (September 15 in Corte Madera, Marin County) and a program on the Adoption Assistance Program (date and location to be announced).



For the remainder of 1998 the CAT Project's attention will be turned toward facilitating the tenth Beyond the Bench Conference, December 9-11, 1998, at the Omni Hotel in downtown Los Angeles. Further training programs are in the early planning stages.

Dependency Court Appointed Attorneys Roundtables and Guidelines

The Court Improvement Project's assessment report recommended that the council studies the delivery of attorney services in dependency courts and makes recommendations for improvement. Toward this goal the center held two structured roundtable discussions, in San Francisco (June 26) and Los Angeles (July 17), with judicial officers, attorneys, and court administrators from a cross-section of the state. Participants developed guidelines for attorney systems with a particular emphasis on standards for appropriate caseloads and specific activities attorneys should be expected to accomplish in the course of representation. The information developed in the roundtables is still being compiled; a report will be produced on the models of representation that courts should consider in the effort to ensure high-quality representation for the parties in dependency court.

Coordination of Cases Involving Families and Children

The Judicial Council asked center staff to investigate and report on ways to improve the coordination of cases involving children and families in different courts or departments. The same family members may be involved, for example, in contemporaneous civil, criminal, probate, family and/or juvenile actions in overlapping jurisdictions of different courts. The possible solutions to this problem range from instituting protocols or memoranda of understanding between the courts to

unifying all actions involving the same family under one department with a "one family/one file" system. Many jurisdictions across the country, including some in California, have instituted various models of coordination within this spectrum.

The center's report on coordination of cases involving children and families is scheduled to be delivered to the council at the council's August meeting.

Based on the council's recommendations, the center expects to conduct further research and planning in this important area.

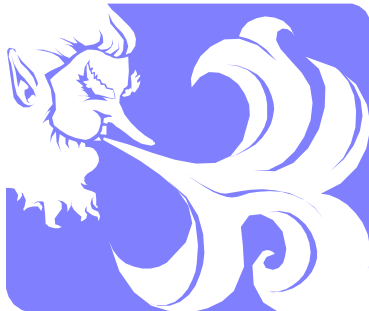
The Center's Journal

Another exciting new activity of the center is the planning and production of an annual journal dealing with issues related to children and families in the court system. The journal will have a California perspective but is designed to be of interest to a national audience. Each issue of the *Journal of the Center for Children and the Courts* will contain scholarly articles related to a general theme chosen for that issue, along with shorter comments and articles on a wide range of topics. The first issue is scheduled to be released in Fall 1999. An editorial advisory board of nationally recognized experts includes Professor Judith Areen, Georgetown Law Center; James Bell, Staff Attorney for the Youth Law Center in San Francisco; Dr. Jill Duerr Berrick, Director of the Center for Social Services Research, School of Social Welfare, University of California, Berkeley; Dr. Donald Bross, Director of Education at Kempe Children's Center in Denver, Colorado; Honorable Leonard P. Edwards, Supervising Judge of the Family Relations Division & Dependency Division, Santa Clara County Consolidated Courts; Cassandra Flipper, Director of the California CASA Association; Margaret Campbell Haynes, President of the Institute on Family Law and Policy in Washington, D.C.; Edward Humes, Pulitzer Prize winner and author of *No*

Matter How Loud I Shout; Hunter Hearst, Director of the National Center for Juvenile Justice in Pittsburgh, Pennsylvania; Dr. Joan Kelly, Executive Director of the Northern California Mediation Center; Honorable Edward Panelli (Ret.), former Justice of the California Supreme Court; Honorable Arthur G. Scotland, Associate Justice, California Court of Appeals, Third District; Larry Sipes, Professor Emeritus, National Center for State Courts; Russell Van Vleet, Director, Center for Study of Youth Policy at the Graduate School of Social Work, University of Utah; Professor Michael Wald, J.D., Stanford School of Law; and Lynn Woolsey, Congressperson, United States Congress, Washington, D.C. We believe that this will be the first publication devoted solely to issues related to how children and families fare in the court system.

The Court Improvement Project encompasses a wide and growing range of activities that further the center's mission and mesh well with other center projects. The ultimate beneficiaries are the thousands of families and children who come into contact with the court system every day.

Christopher Wu is a staff Attorney with the Center for Children and the Courts. Mr. Wu coordinates the Child Advocacy Training Project, and is a facilitator of the Court Improvement Technology Initiative. He is also President of the Northern California Association of Counsel for Children. For further information about the programs mentioned in this article, contact Chris Wu at (415) 396-9297 or by e-mail at christopher_wu@jud.ca.gov.



UNIFIED FAMILY COURTS

By:
Honorable Gregory M. Caskey
Shasta County Superior Court

Should one judicial officer be responsible for supervising the processing of all legal proceedings arising out of a family situation? The concept of "one family/one judge" is the cornerstone of what has become known as the Unified Family Court. Courts throughout the United States and several within California have undertaken steps to implement this concept, a concept that has been endorsed by the American Bar Association (ABA) and the National Council of Juvenile and Family Court Judges.

Any judicial officer who has presided over a juvenile delinquency, dependency, family law, guardianship, mental health, or domestic violence calendar has been confronted with a family who is or will soon be involved in more than one legal proceeding. When different judicial officers deal with the same family in different types of legal proceedings, the potential for conflicting or at least confusing orders is apparent. Telling family members who often are dealing with complex psychological, emotional, social, and/or economic problems that you (the judicial officer) can only deal with "this case" and nothing more does little to address the complex and intertwined problems that brought them to the courthouse in the first place. It is unrealistic to believe that such families will not, at the very least, leave confused and frustrated. Does anyone doubt that they will not re-emerge in another courtroom to face another judge and the possibility of furthering the confusion and frustration?



Obviously, the guiding principle behind a Unified Family Court is for one judicial officer to become this family's "judge" in order to not only provide a forum for all of the legal issues that must be resolved but even more importantly to assist the family with access to support services that may include parent education, counseling, mediation, mental health assessments, emergency financial and housing assistance, or substance abuse treatment. Having one judicial officer responsible for supervising the family's access to and participation in social services that are available, both public and private, enhances accountability for the family as well as for the providers of those services. Fragmentation and duplication of services that currently exist for those families with complex, intertwined problems may be significantly reduced if not eliminated in the Unified Family Court.

For many of our colleagues in the smaller courts, "one family/one judge" has always been the case. Those judges can attest to the benefits that come from being "the judge" for the entire family. What is also clear from the experience around the nation is that no two Unified Family Courts are identical. As testified to at the recent ABA Summit on Unified Family Courts held in Philadelphia, the success of a Unified Family Court has depended upon the willingness of local judges to take a leadership role in creating a court that works. A Unified Family Court with jurisdiction over many, if not all, of the issues arising within the family, including restraining order violations, is a topic worthy of serious discussion and consideration by the California judiciary. Courts should take a leadership role in the process, with the Family and Juvenile Court bench in the forefront.

For more information on this topic, see the ABA publication *Family Law Quarterly* 32, no. 1 (Spring 1998) or contact Diane Nunn, Managing Attorney, Administrative Office of the Courts.

Judge Gregory M. Caskey has been a judge in Shasta County since 1982. He is a former member of the Family and Juvenile Law Advisory Committee and attended the ABA Summit on Unified Family Courts.

DOMESTIC VIOLENCE IN THE COURTS: AN ALL TOO COMMON ISSUE

By:
Susan Hanks, Ph.D.
Coordinator for Special Services
Administrative Office of the Courts

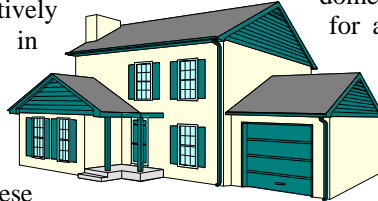
Violent crime in the streets has been dropping in recent years; unfortunately, violence in the home has not. The number of family violence cases filed in the state courts continues to escalate. The National Center for State Courts describes domestic violence cases as the fastest-growing segment of the “domestic relations” caseload, with filings increasing 99 percent between 1989 and 1995 (Judicial Council of California, State Court Outlook, Annual Report (1998) p. 32). The trend was mirrored in the 1996

*Client Baseline
Snapshot Study by the
California Statewide
Office of Family
Court Services’
Uniform Statistical
Reporting System
which reported that at*

least one parent in 62 percent of all families seen in mediation had alleged that there had been at least one episode of domestic violence in his or her relationship with the other parent. Interparental violence was reported to have occurred within the year prior to

the survey in 23 percent of all families. Also, at least one parent in 56 percent of the families surveyed reported that a temporary restraining order was in place. Twenty-nine percent of the parents said that police had been involved. Eleven percent of parents reported seeking medical attention after a violent incident.

Equally as disturbing as these statistics are, at least one parent in nearly half of all families seen in Family Court Services mediation in 1996 reported that a child had witnessed violence between his or her parents. Many of these children actively intervened in violent episodes between their parents. In 5 percent of these families, parents conceded that their children had been injured during an incident of violence.

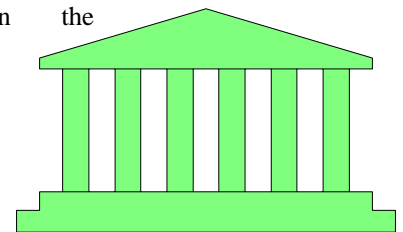


The Legislature has responded to this major social, familial, and legal problem, declaring that "the perpetration of child abuse or domestic violence in a household where a child resides is detrimental to the child." (Fam. Code § 3011(a)). The Statewide Office of Family Court Services has also been active in responding to this crisis in the courts. In the Fall of 1997, the position of Special Services Coordinator was created to offer direct services in terms of technical assistance, consultation, and training — to courts serving domestic violence clients. The Statewide Office of Family Court Services is also developing protocols for standards of practice for child custody mediation in cases with allegations of domestic violence. The Statewide Office of Family Court Services also took the lead in implementing Senate Bill 1995, which amended section 3111 of the Family Code and required all persons who are appointed by the court to be child custody evaluators and investigators to have completed specified training in domestic violence by January 1, 1998. The standards for this specialized training have been developed by staff

from Family Court Services under the auspices of the Judicial Council's Family and Juvenile Law Advisory Committee and are being circulated for public comment to over 2,000 people during the Summer of 1998. The training standards, and a rule of court requiring such training, are mandated for adoption by the Judicial Council by January 1, 1999.

In order to facilitate the implementation of this legislation, the Statewide Office of Family Court Services provided domestic violence training in Monterey for all court-employed evaluators and investigators in December 1997. In addition, several hundred independent private practitioners who are also appointed by the court to conduct child custody evaluations and investigations have completed this training, which has been offered throughout the state thanks to the collaborative efforts of local Family Court Services, domestic violence service providers, mental health organizations, and academic institutions. Counties in which this training has been offered include Alameda, Contra Costa, Los Angeles (3 times), Orange (quarterly), San Diego, San Francisco, Santa Clara, Tulare, and Yolo. The training has also been provided by the California School of Professional Psychology in the City of Oakland. Future trainings being planned include Ventura, Butte (combined with other far Northern California counties), San Mateo, San Diego, San Bernardino and Riverside Counties. Over 500 private child custody evaluators have completed this training to date.

Given the



magnitude of this problem, domestic violence is undoubtedly a common factor in the histories or current lives of parents seen by family law facilitators.

Recognition of the need for training of all court personnel in issues related to domestic violence is growing. As word of the domestic violence training has spread, bench officers, minors' counsel, family law facilitators, and private attorneys have taken advantage of this unique training opportunity and participated in the child custody evaluators' trainings throughout the state. It is essential that all court personnel become educated in order to actively collaborate in best assisting parents and children coping with domestic violence.

Susan Hanks, Ph.D., is the Coordinator for Special Services at the Administrative Office of the Courts, Statewide Office of Family Court Services. For further information on training opportunities, legislative implementation, or domestic violence, she may be reached at 415-356-6683, or via e-mail: susan_hanks@jud.ca.gov.

THE COURT APPOINTED SPECIAL ADVOCATE PROGRAM

Submitted By:

The California C.A.S.A. Association

Over 20 years ago, a juvenile dependency court judge in Seattle found himself faced with tough decisions that would profoundly affect children's lives. Recognizing that he needed help in determining what was in the best interest of an individual child, the judge turned to a new source—lay volunteers—for assistance in making his decision. Thus were CASA—Court-Appointed Special Advocate—programs born. Today, over 640 CASA programs serve abused, neglected, and abandoned children nationwide. Here in California, 30 CASA programs currently serve children in 32 counties.

Court-Appointed Special Advocate programs recruit, screen, train, and support volunteers who are appointed by the court to advocate for the best interests of a child or sibling group in juvenile dependency proceedings.

CASA volunteers, called "Special Advocates," work with abused and neglected children on a one-to-one basis, conducting an ongoing independent observation of the each child's circumstances and regularly reporting to the court on the children's status and needs. CASA programs in California operate under both the standards established by the National CASA Association and the program guidelines set forth in rule 1424 of the California Rules of Court. Says Leonard P. Edwards, Judge, Superior Court of Santa Clara County, "The problem of a community responding to the needs of abused and neglected children is too big and too important to leave to the court system. The court system can't do it. We must involve individuals in the community, and CASA is the best and most proven way of involving those individuals with the lives of children."

The CASA concept works. Currently operating CASA programs received high praise in the California Court Improvement Project report submitted by the National Center for State Courts to the Judicial Council in May of 1997. The report recommends the expansion of CASA programs, both to serve more children in existing programs and to start new programs in counties where they do not currently exist. Indeed, while the number of children and counties served by CASA in California has grown steadily over the past 18 years, the 5,661 children served by 2,752 CASA volunteers in 1996 represented only a fraction of the more than 100,000 children in the state's juvenile dependency system, and there are still 26 California counties without CASA programs.



In light of the enormous need for additional volunteers and programs to serve children, the California CASA Association ("CalCASA") is making the growth of CASA in California a priority. CalCASA was established in 1987 to

support and advocate for existing and start-up CASA programs in California with the goal of ensuring that every abused and neglected child in need of an advocate has one. In order to grow, individual programs must have the ability to acquire and manage increased



levels of funding and the organizational capacity to handle an increased number of volunteers and children. Toward that end, CalCASA is focused on helping to build long-term capacity and sustainability in the local programs and in our own organization at the state level.

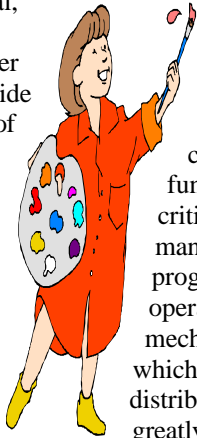
With an eye toward growth and an ear toward local program directors' input, CalCASA has begun to facilitate the regionalization of CASA programs into geographically based collaboratives. The regional collaboratives will serve as a vehicle through which to provide training and technical assistance, foster networking and sharing of best practices among programs, and lay the groundwork for regional projects, fundraising, and cost-sharing. While California's CASA programs vary greatly in size, maturity, population served, geographic region covered, and availability of local resources, there are shared challenges and success strategies which can be addressed very effectively in the regional collaborative setting.

CalCASA is also working to develop a model for auditing local programs to ensure a standard of excellence in CASA across the state. In-depth audits will allow CalCASA to gain a better understanding of local programs' organizational needs and will allow us to disseminate success stories and best practices among programs. We are also enthusiastically launching a demonstration project, supported by the

Stuart Foundation, which will promote the assignment of CASAs specifically to infants and toddlers in four counties. By assigning CASAs before a child has languished in the system for years, we aim to increase children's chances of early permanent placement and reduce the incidences of "recidivism" and long-term stays in dependency.

In 1998, local CASA programs are focused on some issues common to all of us working in dependency, including concurrent planning, the new guidelines for reunification and increased emphasis on adoption, and local court improvement projects. CASA programs are also focused on issues more specific to CASA—recruiting more men and people of color as volunteers to reflect the gender and ethnic makeup of children served, increasing the cultural competency of all volunteers, and, as always, acquiring and sustaining funding.

While two California CASA programs are part of county government agencies, the remaining 28 programs are independently operating nonprofits. All CASA programs face the constant challenge of raising enough money to keep their doors open. CASA programs are supported by a combination of public and private funding. Federal, state, and local moneys together comprise a statewide average of 50% of total funding. State, city, and county funding has been critical in ensuring many CASA programs continue to operate, although the mechanism through which local funds are distributed varies greatly from county to county. CASA exists not only to serve abused and neglected children, but to serve the court itself; indeed, it is the only nonprofit providing regular service to the courts. CASA programs are very concerned that they be considered for funding by county governments



(through general fund allocations, contract services, or other means) and/or in the trial court funding allocations. On the state level, CalCASA is working with the Judicial Council to increase funding for the CASA grant program administered by the Judicial Council in next year's State Budget. If approved by the Legislature, CASA grant program funds could increase from \$500,000 to \$1.4 million, and the current \$20,000 per program "cap" would be raised to \$35,000 for programs in counties with populations under 700,000 and to \$50,000 for programs in counties with populations over 700,000.

Janet Reno, United States Attorney General, remarked that "We have got to take America back to the point where it puts her children first; in the family, in the workplace, in everything we do. CASA volunteers, of all people in America, are doing that. And we now have to take this mighty network and carry it further into every community throughout America." In order to carry our network forth, it is vital that CASA receive the support of judges and other dependency professionals. Start by including CASA as part of the local dependency "team," particularly as counties move forward on court improvement projects. Communicate with CASA programs about what's working and what could be improved. Support funding for CASA programs in your local community and at the state and federal levels. Be vocal in your community, with legislators, and with your colleagues about the positive impact that CASA has on a court's ability to serve the best interests of children. It is by working together that we have the best chance of making a positive, lasting difference in the lives of abused and neglected children.

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THE JUDICIAL REVIEW AND TECHNICAL ASSISTANCE PROJECT

By:
Jennifer Walter
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The Judicial Review and Technical Assistance (JRTA) project is designed to bring about change in local court systems in California and to ensure compliance with Title IV-E of the Social Security Act (42 U.S.C. 670 et sec.). In response to a federal audit conducted by the Office of the Inspector General in 1989-90 that would have cost California fifty-four million dollars, the overall goal of the JRTA project is to prepare California for a future federal audit. The project is funded by the California Department of Social Services and the federal government.

In addition to providing ongoing technical assistance to all dependency and delinquency judicial officers, county departments of social services and probation departments, the JRTA team is conducting court improvement studies in a limited number of counties.

Each study involves data collection either at the juvenile court or the local Department of Social Services. Case files were reviewed, courtrooms were monitored, and data was collected and

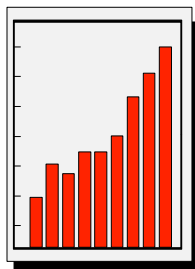
then transferred into a database. Additionally, members of the JRTA team went to each local court and interviewed social workers, attorneys representing parents and children, county counsel, and judicial officers in order to gain a greater understanding of each county's practices and procedures concerning each study.

Continuance Study

The primary task of this study is to track cases in juvenile court where a continuance is requested in order to give each county that participated in the study objective data to use in evaluating continuances in their court. The goal is to decrease the number of continuances in juvenile court, and therefore serve families and children more effectively.

Every person interviewed for the purposes of this study agreed that continuances are a major problem. In the three pilot counties, those interviewed had the same types of comments: (1) more efficient calendar management techniques would ease the continuance problem; (2) attorneys are often not prepared to proceed at scheduled hearings because they have not interviewed their clients; and (3) high social worker caseloads hamper the ability of social workers to prepare accurate and complete reports in advance of court hearings. .

Continuances were granted in 82 to 97% of the cases, depending on the pilot county. In the three pilot counties, the most cited reason for the continuance



was that there were problems with the social workers' reports (no report,

unsatisfactory report, or late report). In one of the counties, it was the reason in 17.72% of the continued cases; in the other two counties, it was 29.04% and 32% of the continued cases.

The data collected did not always support the perception of those interviewed. Attorneys being unprepared was the reason in 18% of the cases in one of the counties, but in the other two, this reason accounted for only 3.92% and 3.33% of the cases. Rather, continuances were made for notice problems in one county, with trial setting following close behind. And in the third county, trial setting followed by person not being present accounted for the next largest group of continuances that were granted.

The study report provides a case sample break down of the reasons for continuances, the courts' findings before granting continuances, who requests them, the manner in which they are requested (orally or in writing), and whether or not objections are made. The report goes into detail of the types of concerns raised by those interviewed and makes the following recommendations:

- Courts will enforce a policy whereby continuances are only granted upon a showing of good cause. Stipulation by the parties is not good cause. A pending criminal or family law matter is not good cause. A request for a continuance will be made in writing, absent special circumstances.
- Calendar management techniques should be disseminated to juvenile court system participants. The presiding juvenile court judge, with input from juvenile court system participants will adopt techniques that work to reduce unnecessary continuances and delays. .
- A commitment will be made to reduce social worker caseloads. Agencies will attempt to hire more social workers. Courts will use discretion in ordering additional reports to be completed by social workers.
- County agencies will provide training to social workers for notice requirements.

- There will be equality and accountability among all participants in juvenile court.

Permanency Study

Each year in California more children enter foster care than leave it resulting in a foster care population of over 105,822.¹ The purpose of this study is to determine the length of time between the selection and implementation hearing terminating parental rights and the final order of adoption and to

uncover obstacles in the adoption process. The goal is to reduce the time from the order terminating parental rights to the final order of adoption.



In two of the pilot counties it took an average of

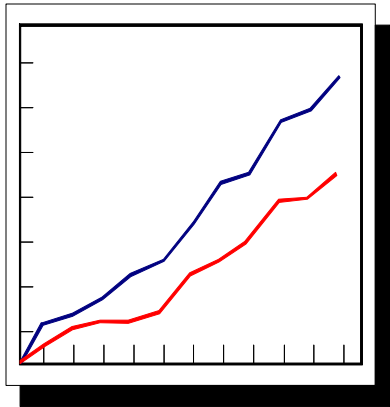
2.8 years to finalize the adoptions after termination of parental rights; in the third pilot county it took an average of 3.2 years.

In the three piloted counties, the common reasons for delay in finalizing adoptions cited by those interviewed were:

- High caseloads
- Inadequate staffing
- Difficulties in completing home study
- Paperwork volume
- Financial disincentives
- Difficulty of finding prospective parents meeting adoption worker criteria
- Lack of recruiting efforts for prospective parents
- Difficulty in working with relatives as prospective parents
- Lack of communication among all juvenile court system participants

¹ California Department of Social Services, Data Analysis and Publications Branch, Foster Care FCI 520, Characteristics of Children in Foster Care, May 1998.

The study captured as much information as was available in the files to determine if the perception of those interviewed was borne out by the data. Rarely could it be determined at each step in the court process what outstanding items were required to complete the adoption. In two of the pilot counties where there was the most information in the files,



paperwork volume and difficulties encountered in completing the home study were documented as the leading reasons for delay.

The Permanency Study report goes into detail of the types of concerns raised by those interviewed and makes a number of recommendations:

- The home study should not be delayed by pending paperwork, and the process should be the same for foster parents, as that required for adoptive parents.
- A commitment should be made to streamline paperwork required for foster homes and adoptive placements.
- A commitment should be made to reduce adoption worker caseloads, and experienced adoption workers should be hired on an interim basis to complete home studies in order to decrease the backlog of pending home studies.
- Public outreach is needed to eliminate perceived bias in favor of middle-class, married homeowners as the preferred adoptive placement.
- The juvenile court should require the agency to prepare a checklist itemizing the steps needed to

finalize the adoption, together with the individuals responsible for completing the steps.

Reasonable Efforts/Petition Study

The Reasonable Efforts/Petition study is designed to identify the range of preplacement preventative efforts afforded to children and families of different racial, social and economic backgrounds, and to evaluate preplacement prevention services and risk assessment protocols.

The study report identifies the problem of defining “reasonable efforts” and summarizes what few guidelines that do exist.

In two pilot counties the report provides a breakdown of the data gathered from files and describes the continuum of services offered in each county. Special attention is given to the programs and operations that interviewees highlighted. The report concludes by recommending the need to:

- Conduct more community based services aimed at alleviating risk factors in the child's environment.
- Conduct ongoing evaluations of the programs that are aimed at
- alleviating the risks facing children and families.
- Improve communication between the agency and the juvenile court.

Reasonable Services Study

This study examines the services provided in a distinct yet frequently encountered subset of dependency cases: cases where children are removed from their parents due, at least in part, to the substance abuse by a parent. While those in the field estimate that some 80% of dependency cases involve substance abuse by a parent, scientific study of these cases to collect this data is virtually non-existent.

This study collected data to determine the following:

- the significance of substance abuse

- the time interval between the date the child is removed and the date the parent enters treatment
- the level of parental follow-through in treatment
- the county’s primary drug of choice
- the parent’s history of drug abuse at the time of assessment

The study found that though all the cases in this study had a allegation of substance abuse by a parent in the initial petition, it was not always true that substance abuse was a significant factor in the social worker’s decision to remove. Of those cases where the parent did enter treatment, the average time interval between the removal of that parent’s child and the parent entering treatment in the study counties ranged from 91 days to 96 days to 123 days.

The report concludes with a number of recommendations suggested by those interviewed in each pilot county.

- A mobile drug testing lab or more labs throughout the county
- More inpatient services
- Drug treatment programs need to be longer in duration.
- More in-home services to address the environmental circumstances leading to a recovering addict’s relapse

It is hoped that the four studies will generate communication among court participants, assist them in identifying problem areas, and provide the juvenile court participants, judicial officers, court administrators, attorneys, and agency social workers with reliable statistics to use in order to lobby for local court system changes to address issues of concern.

Jennifer Walter supervises the Judicial Review and Technical Assistance Project at the Center for Children and the Courts. For questions regarding the JRTA project, Jennifer Walter may be reached at 415-904-5517.

THE DETENTION FURLOUGH PROGRAM OF SAN BERNARDINO COUNTY

By:

Phil Busse, J.D.

One year ago, Tony (not his real name) was a suspected gang member. He had been implicated as a party to a drive-by shooting. Today, this young man has earned his GED and returned to school.

In an effort to manage the overcrowded juvenile halls and to emphasize rehabilitative efforts for individual juveniles, the San Bernardino Juvenile Detention Center designed what they refer to as a "detention furlough" program, through which a small group of minors, in lieu of round-the-clock detention, receive a short-term program during which they are allowed to stay at home during the evenings and nights, but are detained at a community center from 6 a.m. until late afternoon.

Referring to a story about Tony, the young man who left his gang affiliations in his past and returned to school, the director of the program, whom everyone simply refers to as Mr.

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don't

He
"They may not become legislators, but they get on with their lives."

The program serves about 20 youth at any given time, each for a period of 30 to 45 days. Most of the youth are second or third-time offenders and are waiting for a pending decision on a recent offense. About a year ago, pressured by the overcrowded conditions at the San Bernardino

Juvenile Detention Center and concerned that many low-risk youth were not receiving appropriate care, detention center administrators lobbied for court authorization for this then-proposed program. The bench agreed. As a result, youth waiting for pending decisions are allowed to live at home in exchange for an agreement to spend most of the waking day at the furlough program.

Initially, the program was housed at the juvenile hall. But due partly to the demand for space and a philosophical desire to place the program directly within the community, the program has since moved to a local YMCA.

The program has several components. At its core is an academic program individualized to the specific and unique needs of each youth. In addition, attendees are given courses in victim awareness and must perform community services.

"The only drawback I see," explained Mr. Harrison, "is that it [the program] only lasts for such a short period of time." Despite the short duration of the program, however, Mr. Harrison hastened to add, the time allows most of the youth an opportunity to stabilize. An opportunity, he believes that they would not be given at the bustling and often crowded juvenile hall.

Phil Busse is an attorney working with the Center for Children and the Courts. He is a former recipient of the Judicial Administration Fellowship for California Studies. For questions regarding this article, Mr. Busse may be reached at 415-904-5593.

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